

Committee Room,
Austin, Texas, Feb. 27, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred H. B. No. 1, A bill to be entitled "An Act to amend Section 3 of Chapter 212, Acts Regular Session Fortieth Legislature, so as to create the Texas Prison Board composed of three members, providing for the appointment of the members of the Board, prescribing certain qualifications of such appointees, fixing the term of office, providing for the filling of vacancies which may occur, abolishing present Board of nine members, repealing all laws in conflict with this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

McFARLANE, Chairman.

By Metcalfe, Petsch. H. B. No. 1.

A BILL

To Be Entitled

An Act to amend Section 3 of Chapter 212, Acts, Regular Session, Fortieth Legislature, so as to create the Texas Prison Board composed of three members, providing for the appointment of the members of the board prescribing certain qualifications of such appointees, fixing the term of office, providing for the filling of vacancies which may occur, abolishing present board of nine members, repealing all laws in conflict with this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 3 of Chapter 212, General and Special Laws, Fortieth Legislature, Regular Session, be amended so as to hereafter read as follows:

"Sec. 3. There is hereby created the Texas Prison Board, which shall be composed of three members to be appointed by the Governor with the advice and consent of the Senate, such appointments shall be made bi-annually or on or before February 15th. Each member of said board shall be a State officer within the

meaning of the Constitution, and before entering upon the discharge of his duties shall take the constitutional oath of office. The term of office of each member shall be six years, except that in making the first appointments the Governor shall appoint one member for a term of two years, one member for a term of four years, and one member for a term of six years, so that the terms of each member shall expire every two years. Vacancies occurring in the board shall be filled by appointment of the Governor for the unexpired term."

Sec. 2. The present Prison Board of nine members is hereby abolished upon the taking effect of this Act.

Sec. 3. All laws and parts of laws in conflict with this Act are hereby expressly repealed.

Sec. 4. The fact that the administration of the affairs of the penitentiary can better be administered by a prison board composed of three members, and that it is to the interest of the State to have such board created at the earliest time possible, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage and it is so enacted.

SIXTH DAY.

Senate Chamber,
Austin, Texas,

Monday, March 3, 1930,

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Martin.
Berkeley.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Parr.
Holbrook.	Parrish.
Hornsby.	Patton.
Hyer.	Russek.
Love.	Small.

Stevenson. Wirtz.
 Thomason. Witt.
 Westbrook. Woodul.
 Williamson.

Absent—Excused.

Cousins. Pollard.
 Hardin. Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hyer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Williamson:

S. B. No. 20, A bill to be entitled "An Act to amend Chapter 65, H. B. No. 104, passed at the First Called Session of the Forty-first Legislature as amended by Chapter 62, S. B. No. 116, passed at the Second Called Session of the Forty-first Legislature, relating to regulating the avocation and art of barbering, prescribing such sanitary rules and regulations in order to insure the proper sanitary conditions, and to prevent the spreading of diseases, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Williamson:

S. B. No. 21, A bill to be entitled "An Act to amend Article 5139 of Title 82 of the Revised Civil Statutes of Texas of 1925, relating to Juvenile boards in certain counties and salaries of district and criminal district judges in such counties, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Williamson:

S. B. No. 22, A bill to be entitled "An Act amending Title 88 of the Revised Civil Statutes of Texas, 1925, by adding thereto an article to be known as Article 5432-A, defining libel as applied to statements made over and through a radio

broadcasting station, providing a penalty, defining radio broadcasting station, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Berkeley:

S. B. No. 23, A bill to be entitled "An Act authorizing the sale of certain lands owned by the State of Texas located near El Paso, and known as the abandoned site of the State School of Mines and Metallurgy; providing regulations in reference thereto; authorizing the use of the proceeds of said sale for a recreation hall and/or auditorium for said school of Mines and Metallurgy; repealing Chapter 153 of the General Laws of the Regular Session of the Thirty-ninth Legislature, and all provisions of law in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Berkeley:

S. B. No. 24, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the re-purchase of public school land located in Jeff Davis County, Texas, forfeited and reappraised under Chapter 94, An Act approved March 19, 1925, and as amended by Chapter 25, an Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Hyer, et al:

S. B. No. 25, A bill to be entitled "An Act enlarging the powers and duties of the Railroad Commission of Texas with reference to conservation, transportation, storage, and purchase of petroleum and its products in this State; designating as public utilities the owners, operators and managers of oil storage

tanks and storage facilities for the public hire; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Love:

S. B. No. 26, A bill to be entitled "An Act to provide a local option method of determining whether the county superintendent of schools shall be employed by the county board of trustees, etc., and declaring an emergency."

Read and filed, pending determination of eligibility under the Governor's call.

By Senators Love, Williamson:

S. B. No. 27, A bill to be entitled "An Act amending Article 6205, Revised Civil Statutes of 1925 as amended by Chapter 153 of the General and Special Laws of the Forty-first Legislature at its Regular Session, amending Article 6221, Revised Civil Statutes of 1925 as amended by Chapter 5 of the General Laws, Second Called Session of the Forty-first Legislature, and amending Article 6215, Revised Civil Statutes of 1925, as amended by Chapter 307, General and Special Laws of the Regular Session, Forty-first Legislature; amending Article 6204 as amended and amending Articles 6208 and 6226, Revised Statutes, 1925; repealing Article 6214 as amended and Article 6216, Revised Statutes, 1925; providing more adequately for pensions provided for in said articles and to provide for a more equitable distribution of the pension fund; providing for temporary advancements out of the general revenue fund to the pension fund; making an appropriation for such advancement out of the general revenue fund; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Love:

S. B. No. 28, A bill to be entitled "An Act requiring all public school property to be insured against loss by fire or tornado, hail and wind-storm, and providing the necessary means, funds, and regulations to that end, and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Berkeley:

S. B. No. 29, A bill to be entitled "An Act amending Article 6711 of the Revised Civil Statutes of 1925 so as to better provide for neighborhood roads; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Neal:

S. B. No. 30, A bill to be entitled "An Act providing for the appointment or election and term of office of school trustees in all independent districts having fewer than 75,000 population by the Federal Census of 1920 and for all consolidated and rural high school districts; adjusting the term of office of trustees now in office; providing for filling of all vacancies; providing for the date of first election under this Act; repealing all laws both general and special in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Neal:

S. B. No. 31, A bill to be entitled "An Act to extend the term of office of elective county superintendents of public instruction to four years and declaring an emergency."

Read and filed, pending determination of eligibility under Governor's call.

By Senators Beck, Witt, Neal, Thomason and McFarlane:

S. B. No. 32, A bill to be entitled "An Act providing for workmen's compensation for employees of the State Highway Department, and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senators Beck, Cunningham:

S. B. No. 33, A bill to be entitled "An Act providing for and authorizing for exchange between the State of Texas and the Concho, San Saba and Llano Valley Railroad Company of certain lands belonging to them, respectively, situated in Tom Green County, Texas, and the execution of deeds of conveyance effecting such exchange placing the land to be so acquired by and conveyed to the State in and under the possession, control and management of the State Board of Control and consti-

tuting same a part of the grounds of said State Tuberculosis Sanatorium, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Cunningham:

S. B. No. 34, A bill to be entitled "An Act amending Chapter 46, Acts Forty-first Legislature, Second Called Session, by adding thereto a section to be known as Section 1-A, providing that where a city has defaulted in the payment of its obligations, and an application for a receiver has been made, that if upon a hearing of the application for a receiver the court finds that at the time of the default made in the payment of the city's obligation, it levied the highest rate of taxation allowed by the Constitution and laws of the State, and that it placed all taxable property at its full valuation and applied the funds derived from taxation upon the reasonable and necessary operating expenses of the city, and upon the liquidation of the bonds and outstanding indebtedness of the city, and that at the time of the application for a receiver the tax rate of the city was fixed at the highest rate allowed by the Constitution and laws of the State, and that all property subject to taxation was assessed at its full value, and that the funds derived therefrom were applied properly to the reasonable and necessary operating expenses of the city, and to the payment and liquidation of the bonds and outstanding indebtedness of the city, no receiver shall be appointed; and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Woodul:

S. B. No. 35, A bill to be entitled "An Act to amend Article 2781, R. S. 1925, relating to term of contract of superintendents, principals, teachers, or other executive officers in independent school districts, repealing all laws in conflict herewith and declaring an emergency."

Senator Miller raised the point of order that the bill was not included in the Governor's call. The Chair overruled the point of order and the

bill was referred to the Committee on Educational Affairs.

By Senator McFarlane:

S. B. No. 36, A bill to be entitled "An Act to amend Article 1747, of the Revised Civil Statutes of Texas, 1925, so as to permit persons unable to pay costs or give security therefor, to be entitled to prosecute their appeal in the appellate courts without requiring any bond, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hornsby:

S. B. No. 37, A bill to be entitled "An Act cancelling and annulling the lease which Travis County holds against the courthouse and jail property owned by the State of Texas."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Love:

S. B. No. 38, A bill to be entitled "An Act amending Article 2791, Title 49, R. C. S. of Texas, 1925, providing for tax assessors and collectors of independent school districts, fixing their powers and bond, prescribing the duties thereof, and fixing the fees of said assessors and collectors so that the bond required of such tax assessors and collectors of independent school districts shall be in a sum equivalent to forty per cent of the whole amount of the school district taxes for the district as shown by the last preceding assessment, provided said bond shall in no event exceed fifty thousand dollars; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Berkeley:

S. B. No. 39, A bill to be entitled "An Act providing for procuring and filing in the General Land Office certain papers, maps, sketches and reports relating to the survey of lands by virtue of certificates issued by the State to the Texas & Pacific Railway Company and its predecessors in title, now in the custody of said railway company, the same to become archives of the General Land Office; providing for the authentication of said papers, maps, sketches

and reports and making same admissible in evidence as other archives in said office; enacting other regulations and provisions in connection with said subject matter; and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Cousins:

S. B. No. 40, A bill to be entitled "An Act to provide for the sale by the State to H. L. McKee, his heirs and assigns, a certain tract or area of land situated in Jefferson County Texas, same being submerged lands constituting a part of the bed of Saline Lake, retaining to the State all minerals therein; and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

Senators Excused.

The following Senators were excused for the day on account of important business:

Senator Hardin, on motion of Senator Moore.

Senator Pollard, on motion of Senator Beck.

Senator Woodward, on motion of Senator Williamson.

Senator Cousins, on motion of Senator Thomason.

Messages From the House

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives.

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 3, authorizing the Board of Control to erect a monument at the grave of Kenneth L. Anderson in Anderson, Grimes County, Texas.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives.

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 2, designating the week ending March 16, 1930, as Business and Professional Women's Week.

H. C. R. No. 4, requiring the State Auditor to audit the records of each State educational institution.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives.

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 10, A bill to be entitled "An Act to provide for the reorganizing, reforming and rehabilitating the Texas prison system and to improve the same into a modern penal institution; to provide for the establishment of industries in connection with the prison system; etc."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill Referred.

H. B. No. 10 referred to Committee on Penitentiaries.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,

March 3, 1930.

To the Forty-first Legislature:

At the Regular Session of the Forty-first Legislature a bill amending the pension laws was presented by a joint committee of the United Confederate Veterans, Sons of the Confederacy and United Daughters of the Confederacy. This bill was passed at the Regular Session of the Forty-first Legislature by a unanimous vote in both the House and the Senate. It was later learned that the bill would not operate fairly, and at the First Called Session of the Forty-first Leg-

islature I submitted the subject of correcting this bill. An amendment was passed by a unanimous vote in both houses. There was a defect in this amendment. I again submitted the subject of correcting the pension law at the Second Called Session of the Forty-first Legislature, and an amendment to the original bill was passed by a unanimous vote in the Senate, and by a vote of 102 to 1 in the House. In the latter part of the past year it was discovered that under this last amendment of the pension law many of the widows of Confederate veterans would not receive their pension. At the Fourth Called session of the Legislature I again submitted the subject of correcting the pension laws, but in that session the correction was not made.

I am again submitting the subject to you, in the hope that proper laws may be enacted to prevent such a condition as existed in the latter part of last year in reference to the payment of pensions to the widows of Confederate veterans.

The enactment of laws to further regulate pipe lines as common carriers of oil and to enlarge the powers of the Railroad Commission to control such common carriers is submitted for your consideration.

There are two items under the subject of insurance that I desire to submit for your consideration.

(1) The State has a large number of men employed at work on our public highways. Some of this work is hazardous, and some employees have sustained injuries of a very serious nature. The Constitution prohibits the Legislature appropriating money to pay claims for damages occasioned because of injuries received by an employee of the State while in the course of employment. It is not likely that the State would be liable in a suit to recover damages occasioned by injuries suffered by its employees while in the performance of work necessary to the discharge of governmental functions. It seems to me that the State should protect its employees by some form of workmen's compensation insurance, and I am submitting the subject of passing a law to authorize the State to carry compensation insurance on such of its employees as are engaged in work that is hazardous and dangerous.

(2) A number of times in recent sessions the Legislature has been asked to appropriate money to help school districts that could not issue more bonds to rebuild public school buildings that had been destroyed by tornado or otherwise. A school district that has issued its maximum of bonds is in a serious situation when from tornado or fire its school building is destroyed. I submit for your consideration the wisdom of passing a law authorizing or requiring school districts to take out insurance on public school buildings against fire and tornado.

You are familiar with the crowded conditions in some of the offices and departments about the State capitol, and I submit for your consideration the passage of a law authorizing the Board of Control to make a survey of public buildings and grounds, and allocate space to offices and departments within the public buildings of the State.

It has been suggested that the rights of water improvement districts to condemn property for their needed purposes are at present inadequate. I submit for your consideration the subject of amending the statutes of eminent domain.

The original report of the State Auditor advises that the State loses approximately fifty thousand dollars per annum in interest because of the present system of depositing public funds. I submit for your consideration the amendment of Article 4388 of the Revised Civil Statutes to prohibit the carrying of special bank accounts, and to require that all public moneys received shall be deposited promptly in the Treasury, even though the status of the funds be undetermined, and authorizing some suspense account within the Treasury Department where the funds can be kept until their proper status is determined.

The following subjects are submitted for your consideration at the request of members of the Legislature:

(1) The amendment of Article 5738 of the Revised Civil Statutes to correct a defect in a bill passed at the last Special Session of the Legislature.

(2) The amendment of Chapter 46, Acts of the Forty-first Legisla-

ture, passed at the Second Called Session, to provide that cities levying the maximum tax rate and devoting the proceeds of taxes levied to the retirement of bond issues may not be placed in receivership under the provisions of said chapter.

(3) The consideration of whether or not the Legislature will enact laws authorizing the City of Port Arthur and Jefferson County to construct certain improvements upon submerged lands in Sabine Lake.

(4) The granting of cities and towns additional authority in the support of hospitals.

(5) Whether the Legislature will grant the Highway Department authority to exchange certain lands now owned by the State of Texas for certain lands owned by the Concho, San Saba and Llano Valley Railway Company in order to construct certain State highways in Tom Green County according to existing plans.

(6) The enactment of statutes dealing with the manner of incorporating independent school districts and with the terms and manner of selecting school trustees, and the correction of Acts of the Forty-first Legislature governing the school system of certain counties, which Acts have been held invalid under ruling of the Attorney General's Department.

(7) The enactment of statutes dealing with the rights of the Department of Agriculture in supervising the weighing of cotton.

(8) The amendment of the Act of the Forty-first Legislature canceling the lease on the Travis County court house.

(9) The enactment of a law granting the Commissioners' Court of Shackelford County authority to expend county money in the extermination of predatory animals.

(10) The amendment of Chapter 5, Title 115, Revised Civil Statutes of 1925 to require that any ordinance or resolution of the governing board of any city or town levying an assessment against real property for paving or otherwise improving any street, or streets, shall be recorded in the proper records of the office of the County Clerk.

(11) The regulation of the issuance of certificates by tax collectors showing the status of taxes on real property.

(12) The amendment of Article 2560, regulating City depositories.

(13) The amendment of Article 6711 to better provide for neighborhood roads.

(14) The amendment of Title 88, Revised Civil Statutes of Texas, to extend the laws against libel and slander to statements made over the radio.

(15) The granting of authority to the Commissioners' Court of Wilbarger County to contract and agree to the construction of a public bridge across the Red River.

(16) The granting of authority to the Commissioner of the General Land Office to procure and file in the General Land Office papers relating to the survey of lands by virtue of certificates issued by the State of Texas to railway companies, which records are now held by individuals and private interests.

(17) The amendment of Chapter 65, Acts of the First Called Session of the Forty-first Legislature.

(18) A recent decision of one of the courts holds certain levy improvement district bonds invalid following the holding of the Supreme Court of the United States in the Archer County case. The enactment of laws to validate such bonds is submitted for your consideration.

Respectfully submitted,

DAN MOODY,
Governor of Texas.

Senate Bill No. 13.

Senator Russek moved to reconsider the vote by which S. B. No. 13 was finally passed, Thursday.

The motion prevailed.

Senator McFarlane moved to reconsider the vote by which his amendment was passed.

The motion prevailed by a two-thirds vote.

Senator McFarlane sent up the following substitute for the amendment:

Engrossed Rider.

Amend S. B. No. 13, by striking out the words "legal and otherwise" out of lines 10 and 11, page 20, Section 3 of said bill and so amend the caption to conform.

McFARLANE.

The substitute was read and adopted by a two-thirds vote.

The amendment as substituted was adopted by a two-thirds vote.

The bill as amended was finally passed by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	

Absent—Excused.

Cousins.	Pollard.
Hardin.	Woodward.

S. B. No. 20 Re-referred.

On motion of Senator Williamson, S. B. No. 20 was re-referred to the Committee on Public Health.

Resolution Signed.

The Chair, Lieut. Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

S. C. R. No. 3.

Simple Resolution No. 8.

Senator Hyer sent up the following resolution:

Whereas, The people of Fort Worth and West Texas will soon hold the Annual Southwestern Exposition and Fat Stock Show; and

Whereas, Those in charge of this outstanding Texas enterprise have invited the members of the Senate to be present and enjoy the benefits of this occasion as their guests;

Now, Therefore, Be It Resolved, by the Senate of the State of Texas that the appreciation of the Senate is hereby voiced and the success of this commendable undertaking is sincerely desired.

HYER.

Read and adopted.

Senate Bill No. 14.

The Chair laid before the Senate on its second reading the following bill:

By Senator Russek:

S. B. No. 14, A bill to be entitled

"An Act amending certain sections of Chapter 282 of the General and Special Laws of the Regular Session of the Forty-first Legislature and repealing Sections 2 and 15 of said Chapter 282 so as to better provide for the disposition of oil and gas in University lands; providing better means and regulations to accomplish said purpose; and declaring an emergency."

Read second time.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 14, by striking out of Section 15, page 4, line 26, the following words "legal and otherwise" and amend the caption to conform.

McFARLANE.

The amendment was read.

On motion of Senator Love the bill was laid on the table subject to call.

Communication From The Fee System Committee.

Senator Williamson received unanimous consent to have printed in the Journal the following communication from the Chairman of the Legislative Investigation Committee of the Fee System:

March 3, 1930.

Hon. W. A. Williamson, Senate Chamber, Austin, Texas.

My Dear Senator:

Replying to your favor of February 28, wherein you ask conditions in Bexar County with respect to delinquent taxes, permit me to say that I was Chairman of the Joint Committee, appointed by the Senate and House of the State of Texas to investigate the fee system of all officers in the State of Texas.

The Committee visited all the principal cities and some of the smaller county seats, and I am pleased to advise you that we found that in Bexar County there were less delinquent taxes proportionately to the valuations than anywhere else in the State. It was reported that the tax collector was collecting ninety-three per cent of the current taxes during the months of October to January 31, thereby leaving only seven per cent of delinquent taxes. It was further reported that of this seven per cent of delinquent taxes, Bexar County officers were collecting nearly all. It was further re-

ported that the majority of these delinquent taxes were collected either by official notice being mailed by the collector or when suit was filed, and there are very few judgments and orders of sale necessary in Bexar County. That is the reason that Bexar County is enjoying such a low valuation compared with corresponding counties of the same size in the State of Texas.

I am glad to be able to speak a word of praise for the efficiency of the officers in Bexar County.

Yours very truly,

PINK L. PARRISH,

Chairman Legislative Investigating Committee of the Fee System.

Senate Bill No. 17.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodul:

S. B. No. 17, A bill to be entitled "An Act creating an additional district court for Harris County; defining its jurisdiction; adjusting the business of the existing district courts to the business thereof; prescribing the duties of the district clerk with respect thereto and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 17 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Moore.	Woodul.

Nays—1.

Miller.

Absent—Excused.

Cousins.	Pollard.
Hardin.	Woodward.

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Parrish.
Berkeley.	Patton.
Gainer.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Moore.	Witt.
Neal.	Woodul.
Parr.	

Nays—4.

Cunningham.	Greer.
DeBerry.	Miller.

Absent—Excused.

Cousins.	Pollard.
Hardin.	Woodward.

Executive Session.

At 11 o'clock the Chair announced that there was no further business before the Senate except the executive session set for 11:55 o'clock. By unanimous consent, the executive session was moved forward to 11 o'clock. The Chair announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room.

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred nominations made by Governor Dan Moody, having had the same under consideration, beg leave to make the following report:

We report the attached list of Notaries Public to be confirmed.

WILLIAMSON, Chairman.

Read and adopted.

Reason for Vote.

On S. B. No. 17 I vote no for the following reasons:

I am not passing on the merits:

of these new court bills but I do not consider this matter so vital as to take it up now; therefore, I shall vote against all bills creating new courts.

DeBERRY.

Recess.

Senator Holbrook moved to adjourn until 10 o'clock tomorrow morning.

Senator Russek moved as a substitute that the Senate recess until 2:30 o'clock this afternoon.

Senator Holbrook withdrew his motion.

The motion to recess prevailed, and, at 11:06 o'clock, the Senate recessed.

After Recess.

The Senate met at 2:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message :

Executive Office,
Austin, Texas, March 3, 1930.
To the Honorable Senate

The following appointments are made, subject to your confirmation:

To be member of the Board of Regents of the State Teachers Colleges, Honorable H. L. Kokernot, Jr., of Brewster County.

To be a member of the Board of Directors of the Texas Technological College, Honorable Thomas Johnson, of Collin County.

To be a member of the Board of Optometry, Honorable D. L. Worstman, of Dallas County.

Respectfully submitted,
(Signed) DAN MOODY.

Read and referred to Committee on Governor's Nominations.

Adjournment.

On motion of Senator McFarlane, the Senate, at 2:45 o'clock, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

(Telegram.)

Coleman, Texas, Feb. 26, 1930.
President of the Senate, State Capitol, Austin, Texas.

We are located in the heart of the gas producing area. A mass meeting of business and professional men held today at which time they unanimously voted opposing and protesting the Saunders bill on gas tax of two cents on thousand cubic feet gas. We urge your support in this protest.

COLEMAN CHAMBER OF COMMERCE, S. O'NEAL, Secretary.

(Telegram.)

Brownsville, Texas,
February 27, 1930.

Hon. President of the Senate, Austin, Texas.

The proposed state tax of one dollar per ton of sulphur now before the Senate and House seems to us to be fair, equitable and a proud source of state income and the proposed one dollar per ton rate is low enough not to be burdensome on the taxpayer. We urge passage of bill as proposed and will be glad to have this message read in the presence of the Senate.

BROWNSVILLE REAL ESTATE BOARD.

(Telegram.)

El Paso, Texas, Feb. 28, 1930.
President of the Senate, State Capitol, Austin, Texas.

The El Paso Real Estate Board is most heartily in favor of tax of one dollar per ton on production of sulphur in this State. We are opposed to compromise of any lower figure. It is requested that this telegram be read to the members of the Senate.
EL PASO REAL ESTATE BOARD,
LAWRENCE KOCH, Secretary.

(Telegram.)

Kingsville, Texas,
February 27, 1930.

Hon. President of the Senate of Texas, Austin, Texas.

We, the undersigned relators of Kingsville, Texas, endorse the proposed tax of one dollar per ton on the production of sulphur in this:

State. We oppose a compromise for any less than one dollar per ton. It is our request that you have this telegram read in the presence of the Senate.

B. O. Sims Jr., R. E. Young, Charles H. Flato, R. G. Flato, T. H. Lawrence, J. D. King, Ben F. Wilson.

Fort Worth, Texas,

February 28, 1930.

Mr. Bob Barker, Secretary, Senate Chamber, Austin, Texas.

Dear Mr. Barker: We acknowledge receipt of your letter February 26th, giving us the names of the Senators, and we are enclosing herewith complimentary admission to our coming Show for these gentlemen.

We will greatly appreciate it if you will kindly distribute these passes to the proper parties, as just at this time we are extremely busy and do not have sufficient time to write each of them individually and send them their pass.

We extend to yourself, and each member of the Legislature, a cordial welcome to visit our Exposition, and hope that all of you will be able to use the attached passes many times during Show Week.

Yours very truly,

**SOUTHWESTERN EXPOSITION
AND FAT STOCK SHOW,**

J. B. DAVIS,

Secretary-Manager.

February 25, 1930.

To Governor Moody and the Legislature of Texas,

To the East Texas Chamber of Commerce,

To the State Department of Health,
To the Officers and Members of this Malaria Conference,

Greetings: We, your committee to investigate the malaria problem in Texas, have studied the official reports on the incidence of malaria and its effect upon the social and economic life of our State.

It is our observation that the present conditions are in part due to the lack of knowledge of known methods of control on the part of our citizens and lack of knowledge of the prevalence of the disease on the part of our municipal, county and State officials.

We are of the opinion that the eradication of malaria is the greatest health problem confronting our

State. The solution of the malaria problem will yield greater returns in the prosperity, well-being and happiness than the same amount of money or effort expended in any other direction.

Enlightenment of the public on protective methods is necessary and we request the aid of the press, the school officials and all welfare and civic organizations.

We recommend:

1. The teaching of lessons on malaria in schools.

2. The consideration of the advisability of quinine drills in certain schools.

3. The inauguration of systematic control measures by city officials in towns having a problem.

4. The inauguration of a county-wide anti-malaria campaign on a permanent basis. This may be accomplished in a number of ways, such as through a county health unit, a county sanitarium, a mosquito control commission, etc.

5. That our members in congress representing sections having malaria be requested to send bulletins on mosquito control to citizens living in their districts.

6. That the legislature appoint a committee to study the malaria problem.

7. That each county having a problem call a county conference to discuss ways and means of securing malaria control.

8. That a copy of this report be sent to Gov. Moody, the members of the Legislature, the State Departments of Health, Agriculture, and Education.

9. In conclusion, we wish to most heartily commend the East Texas Chamber of Commerce for fearlessly sponsoring the movement to abolish malaria in Texas.

Respectfully submitted,

W. Nowlin Watson, Chairman, Mrs. C. R. West, Mattie Epperson, D. Scott Hammond, B. F. Johnson, T. W. Buford, Ex-officio.

The Dallas Unemployed League assembled in the City Hall Auditorium Saturday, February 21st, at 7:30 p. m., representing 4,000 unemployed in the City of Dallas, passed the following resolution:

Whereas, The economic conditions in the State and Nation whereby thousands find themselves without

means of livelihood, due to not being able to find employment, and therefore unable to pay their poll tax, thus being disfranchised, and believing this to be an unjust requirement, we, the unemployed of the City of Dallas, request that the State Legislature immediately take steps to eliminate this evil, by repealing the act that requires this money evidence of citizenship, and substitute therefor a registration of all American citizens of voting age, and that this registration be made compulsory without expense to the voter, declaring that an emergency exists, and that this bill should pass, and go into effect immediately; be it further

Resolved, That a copy of this resolution be furnished to the Governor of the State, to the President of the Senate, and the Speaker of the House of Representatives.

EXECUTIVE COMMITTEE OF DALLAS UNEMPLOYMENT LEAGUE:

Chas. L. Breckson, Pres., G. W. M. Taylor, J. E. McMain, J. J. Murry, Geo. Clifton Edwards, Mrs. Joe Barrett, Miss Lula Hall, Geo. W. Lloyd, 1722 So. Akard St.

Sherman, Texas, Feb. 24, 1930.
To the Honorable Senate of Texas,
Lieutenant Governor Barry Miller,
Pres., Austin, Texas.

Gentlemen: As citizens and taxpayers of Texas we are very much interested in the Prison System of Texas and while we are not well informed as to the few advantages and the many disadvantages of the present system, we have confidence in the Commission created by your Honorable Body and therefore we respectfully urge that there be prison legislation enacted along the lines as recommended by the Texas Prison Centralization Commission.

Respectfully submitted,

Sherman Civic League: Mrs. Lee Woods, President; Mrs. Quinby Jefferson, Secretary; Mrs. Silas Hare, Mrs. Jess Totten, Vice Presidents.

Tuesday Literary Club: Mrs. Max Woodward, President.

College Hill Literary Club: Mrs. J. C. Henschen, President; Mrs. C. O. Bellinger, Secretary; Mrs. Vernon Brown, Mrs. Jimmie Staples Hellen, Mrs. L. L. Jobe, Executive Board.

City Federation: Mrs. E. C. Hunter, President; Mrs. C. H.

Kelley, Mrs. Ernest Jones, Miss Mamie Chapman, Mrs. Ferd Moore, Mrs. Jess Eubank, Miss Katherine Wharton Dr. H. Virginia Spales, Mrs. Jim Madden, Mrs. G. E. Case, Mrs. F. C. Dillard, Mrs. Cecil Smith.

Per Mrs. Cecil Smith.

Brotherhood of Railroad Trainmen,
Cleveland, Ohio,
February 28, 1930.

Hon. Barry Miller, President of the Senate,

Hon. W. S. Barron, Speaker of the House of Representatives.

Esteemed Sirs: Upon my return to the office I hasten to acknowledge receipt of the resolution sent to President Whitney and the undersigned extending invitations to visit your Legislature and address the joint session last February 10th.

At this I time I wish to extend our sincere thanks for the invitation and also to express our sincere appreciation of the many courtesies extended to us by the House of Representatives, State of Texas; also to state that much mutual benefit may be derived from sessions such as this.

Again thanking you, I am
Sincerely and fraternally yours,
G. W. ANDERSON,
General Sec'y. and Treasurer.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, March 3, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 13 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 3, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 18, carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 3, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 8,

carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 3, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 11, carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 3, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 10, carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 3, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 17, carefully examined and compared and find the same correctly engrossed.

MILLER, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, March 3, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 3, carefully examined and compared, and find the same correctly enrolled, and have this day at 2:36 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman

Committee Reports.

Committee Room,
Austin, Texas, March 3, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 15, A bill to be entitled "An Act amending Chapter 12 of the Acts of the First Called Session of the Fortieth Legislature of the State of Texas 1927, relating to the or-

ganization of the Fifty-first (51) Judicial District of the State of Texas; reorganizing the same; naming the counties constituting the same and fixing the terms of court to be held in the several counties therein; amending Chapter 36 of the Acts of the Regular Session of the Thirty-ninth Legislature of the State of Texas, relating to the organization of the Thirty-fifth (35) Judicial District of the State of Texas, reorganizing the same, naming the counties constituting the same and fixing the terms of court to be held in the several counties therein; creating the One Hundred and Fourteenth (114) Judicial District of Texas, naming the counties constituting said District, fixing the terms for holding court in the several counties therein, providing for the appointment of a judge and a district attorney for said One Hundred and Fourteenth (114) Judicial District, providing that the present judge and district attorney of the Fifty-first Judicial District and the present judge and district attorney of the Thirty-fifth Judicial District, shall continue to hold their offices during the term for which they were elected and until their successors are duly elected and qualified, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass and it be not printed, together with the following committee amendment, to-wit:

Amend S. B. No. 15, by changing the words and figures "One Hundred and Fourteenth (114) Judicial District" to "One Hundred and Fifteenth (115) Judicial District" wherever it appears in said bill.

PATTON, Chairman.

Committee Room,
Austin, Texas, March 3, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 21, A bill to be entitled "An Act to amend Article 5139 of Title 82 of the Revised Civil Statutes of Texas of 1925, relating to Juvenile boards in certain counties and salaries of district and criminal district judges in such counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass. and that it being a local bill, that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 33, A bill to be entitled "An Act providing for and authorizing the exchange between the State of Texas and the Concho, San Saba and Llano Valley Railroad Company of certain lands belonging to them, respectively, situated in Tom Green County, Texas, and the execution of deeds of conveyance effecting such exchange, placing the land to be so acquired by and conveyed to the State in and under the possession, control and management of the State Board of Control and constituting same a part of the grounds of the State Tuberculosis Sanatorium, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 30, A bill to be entitled "An Act providing for the appointment or election and term of office of school trustees in all independent districts having fewer than 75,000 population by the Federal census of 1920 and for all consolidated and rural high school districts; adjusting the term of office of trustees now in office; providing for filling of all vacancies; providing for the date of first election under this Act; repealing all laws both general and special in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee room,

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 19, A bill to be entitled "An Act to authorize the county board of trustees of any county in this State to incorporate a common school district into an independent school district for school purposes only upon petition of a majority of the legally qualified property tax-paying voters residing in the territory affected; providing for the appointment and election of trustees for such incorporated districts; validating all school districts, including independent school districts heretofore incorporated under the provisions of Section 5, Chapter 84, General Laws, First Called Session, Fortieth Legislature, 1927, and all other school districts; also the Acts of the county boards of trustees and the Acts of the board or boards of trustees in such school districts, and all bonds issued by such districts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, March 3, 1930.

ferred

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 35, A bill to be entitled "An Act to amend Article 2781, R. S., 1925, relating to term of contract of superintendents, principals, teachers or other executive officers in independent school districts, repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Pub-

lic Lands and Land Office, to whom was referred

S. B. No. 23, A bill to be entitled "An Act authorizing the sale of certain lands owned by the State of Texas located near El Paso, and known as the abandoned site of the State School of Mines and Metallurgy; providing regulations in reference thereto; authorizing the use of the proceeds of said sale for a recreation hall and for an auditorium for said School of Mines and Metallurgy; repealing Chapter 153 of the General Laws of the Regular Session of the Thirty-ninth Legislature, and all provisions of law in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 27, A bill to be entitled "An Act amending Article 6205, Revised Civil Statutes of 1925 as amended by Chapter 153 of the General and Special Laws of the Forty-first Legislature at its Regular Session, amending Article 6221, Revised Civil Statutes of 1925 as amended by Chapter 5 of the General Laws Second Called Session of the Forty-first Legislature, and amending Article 6215, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MILLER, Vice Chairman.

Committee Room,

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 28, A bill to be entitled "An Act requiring all public school property to be insured against loss by fire or tornado, hail and wind-storm, and providing the necessary

means, funds and regulations to that end, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 20, A bill to be entitled "An Act to amend Chapter 65, H. B. No. 104, passed at the First Called Session of the Forty-first Legislature as amended by Chapter 62, S. B. No. 116, passed at the Second Called Session of the Forty-first Legislature, relating to regulating the avocation and art of barbering, prescribing such sanitary rules and regulations in order to insure the proper sanitary conditions, and to prevent the spreading of diseases, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

BECK, Chairman.

By Williamson, Beck, S. B. No. 20.
Witt.

A BILL

To Be Entitled

An Act to amend Chapter 65, H. B. 104, passed at the First Called Session of the Forty-first Legislature as amended by Chapter 62, S. B. 116, passed at the Second Called Session of the Forty-first Legislature, relating to regulating the avocation and art of barbering, prescribing such sanitary rules and regulations in order to insure the proper sanitary conditions and to prevent the spreading of diseases, repealing all laws or parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 65, H. B. 104, passed at the First Called Session of the Forty-first Legislature as amended by Chapter 62, S. B.

• 116, passed at the Second Called Session of the Forty-first Legislature, relating to and regulating the practice, avocation and art of barbering in Texas, be amended so as to hereinafter read as follows:

Sec. 2. That Section 4 of said Act be amended so as to hereafter read as follows:

"Sec. 4. Barber shop, as defined herein, shall mean any place where barbering is practiced in this State, for the practice of barbering is hereby defined to be the following practices for hire or reward when not done in the practice of medicine, surgery, osteopathy, or necessary treatments of healing the body by one authorized by law to do so:

"(a) Shaving or trimming the beard or cutting the hair.

"(b) By giving any of the following treatments by any person engaged in shaving or trimming the beard, and/or cutting the hair:

"(1) Giving facial and scalp massages, or applications of oils, creams, lotions, or other preparations, either by hand or electrical appliances;

"(2) Singeing, shampooing, or dyeing the hair or applying hair tonics;

"(3) Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp, face, neck, or that part of the body above the shoulders.

"Provided, however, that nothing contained in this Act shall be construed to include those engaged in beauty culture, or what is commonly known as beauty shops, or hair dressing parlors, or such other places where such persons give treatments or applications therein do not shave or trim the beard or cut the hair, and provided further that any person in any such places exempt shall obtain a certificate to cut or bob the hair only, if he or she desires to cut or bob the hair in such places, and upon the issuance of such a certificate may do any or all of the things set out above, except shaving or trimming the beard. Provided, that persons not authorized or qualified hereunder to cut the hair may clip the hairs as a necessary incident to giving beauty treatments, curling or treating the hair for cosmetic, remedial, or like purposes; but such persons shall not clip the hair as a

separate treatment or undertaking where a separate or additional charge is made therefor, whether done directly or indirectly.

"The first class of persons named herein shall be issued a certificate of a certain color which shall have stamped thereon 'Certificate Class A' and the second class provided for herein, who only bob or cut the hair, shall be issued a certificate on a different color of paper, which shall have stamped thereon 'Certificate Class B.'"

Sec. 3. That Section 6 of said Act be amended so as to hereafter read as follows:

"Sec. 6. It shall be unlawful for any person to follow the occupation of cutting hair, or practice as a hair-cutter in any beauty shop or hair dressing parlor or elsewhere for hire as hereinbefore provided unless excepted by this Act, unless such person shall have first obtained a certificate, as herein provided, which certificate shall authorize the cutting of hair only in such parlor or establishment where such haircutting is for hire or reward. Applications for such certificates styled 'Class B' must possess the qualifications required of others made amenable to the provisions of this Act, and the application shall be made likewise and the same fees paid. Before any certificate is issued to such haircutter he or she shall submit to an examination to test their qualifications as a haircutter, and such examination shall be held and conducted in the same manner and by the same persons as is required by law of 'Class A', except that such applicants shall only be examined as to their skill, ability and knowledge of properly performing the art or science of hair-cutting, and their knowledge of hygiene and sanitation pertaining thereto.

"Any person who for a period of two years prior to the taking effect of this Act, was bobbing or cutting hair in any beauty shop or hair dressing establishment shall be entitled to a certificate without taking an examination. Application shall be made in the same manner as that made for 'Class A.' 'Class A' and 'Class B' as used herein shall refer to the classifications prescribed herein and shall include registered bar-

bers and registered assistant barbers as defined and used in the sections of this Act.

"Registered barbers and registered assistant barbers may obtain 'Class B' as well as 'Class A' certificates, and shall be governed under the same provisions as 'Class A' barbers or assistant barbers. The following persons shall be exempt from the provisions of this Act while in the proper discharge of their professional duties in addition to those heretofore exempt:

"(a) Persons authorized under the laws of the State of Texas to practice medicine, or osteopathy;

"(b) Commissioned or authorized medical or surgical officers of the United States army, navy, or marine hospital service;

"(c) Registered nurses."

Sec. 4. That Section 9 of said Act be amended so as to hereafter read as follows:

"Sec. 9. Any firm, corporation or person desiring to conduct or operate a barber school or college in this State shall first obtain from the Board of Barber Examiners a permit to do so, and shall keep the same prominently displayed. No such school or college shall be approved unless such school or college requires as a prerequisite to graduation a course of instruction of not less than one thousand hours (1000), to be completed within a period of not less than six months; and unless said school or college requires as a prerequisite to the admission thereto, applicants to demonstrate their ability to read intelligently and write clearly the English language; and no certificate or permit shall be issued to an applicant as provided for herein, unless said applicant demonstrates his or her ability to read intelligently and write clearly the English language as determined by an examination conducted by the board.

Such schools or colleges shall instruct students in such subjects as may be necessary and beneficial in teaching the practice of barbering, including the following subjects: Scientific fundamentals of barbering; hygienic bacteriology; histology of the hair, skin, muscles and nerves; structure of the head, face and neck; elementary chemistry relating to sterilization and antiseptics; diseases

of the skin and hair; massaging and manipulating the muscles of the scalp, face, and neck; haircutting, shaving, and bleaching and dyeing of the hair. However, if said school does not care to teach persons who apply for 'Class A' but only 'Class B' certificates, shaving need not be taught.

If said board refuses to issue a permit to any such school or college, such school or college may by written request demand the reasons for said refusal and if said school or college shall thereupon meet said requirements and makes a showing that the requirements of this law have been complied with, then if said board refuses to issue said permit a suit may be instituted by such school or college in any of the district courts of Travis County, Texas, to require said board to issue such permit. Any such suit must be filed within twenty days after the final order of said board refusing to issue such permit is entered, provided registered notice is mailed or it is otherwise shown that said school or college has notice within ten days from the entering or making of said order.

"In the event such school or college after a permit is issued to it violates any of the requirements of this law, either directly or indirectly, then said board shall suspend or revoke the permit of any such school or college. Before suspending or revoking any such permit, said board must give such school or college a hearing, notice of which hearing shall be delivered to such school or college at least twenty days prior to the date of said hearing. If said board suspends or revokes said permit at said hearing, then such school or college may file suit to prevent the same or to appeal from said order. Any and all suits filed hereunder shall be filed within twenty days from the date of the order of said board in any of the district courts of Travis County, Texas, and not elsewhere, and order shall not become effective until said twenty days has expired.

"The Attorney General or any district or county attorney may institute any injunction proceeding or such other proceeding as to enforce the provisions of this Act, and to

enjoin any barber, assistant barber, or school or college from operating without having complied with the provisions hereof and each shall forfeit to the State of Texas the sum of twenty-five dollars per day as a penalty for each day's violation, to be recovered in a suit by the district or county attorney, and/or the Attorney General."

Sec. 5. That Section 16 of said Act be amended so as to hereafter read as follows:

"Sec. 16. That any person who has for two years immediately preceding the taking effect of this Act been continuously engaged in the practice of barbering at one or more established places of businesses, shall be granted a certificate of registration as a registered barber without examination by making application to the board on or before the expiration of sixty days after the passage of this Act, and by paying the required fee of ten dollars (\$10.00). The required fee as referred to herein, shall mean ten dollars, but certificates shall be issued to those entitled thereto according to the classification under which they may fall, to wit, 'Class A' and 'Class B'."

Sec. 6. That Section 17 of said Act be amended so as to hereafter read as follows:

"Sec. 17. That any person who on or prior to the taking effect of this Act was practicing as an assistant barber under the supervision of a practicing barber, shall be granted a certificate of registration to practice as an assistant barber by making application to the board on or before the expiration of sixty days after the passage of this Act, and paying the required fee of ten dollars (\$10.00), and shall be given by the board credit for the time previously spent in such practice, according to the classification under which they may fall, to wit, 'Class A' or 'Class B'."

Sec. 7. That Section 22 of said Act be amended by adding thereto a new section to be known as Section 22-A, to read as follows:

"Sec. 22-A. If such person to whom a certificate or permit has been issued fails to comply with any of the requirements of this Act, the board shall suspend or revoke such certificate or permit or refuse to re-

new the same. Before suspending, revoking or refusing to renew such certificate or permit the board shall give the person holding same a public hearing, notice of which hearing shall be delivered to such person at least twenty days prior to the date thereof and shall state the grounds complained of, and notice by registered mail to his last known address shall be sufficient. If said board suspend, revoke or refuse to renew such certificate or permit at said hearing, then such person may file suit to prevent same or to appeal from said order. Any and all suits filed hereunder shall be filed within twenty days from the date of the order of said board in any of the district courts of Travis county, Texas, and not elsewhere."

Sec. 8. If any part or parts of this Act be held invalid or unconstitutional, it is hereby declared as the legislative intent that the remaining sections and provisions thereof would have been enacted without such invalid portions. All laws or parts of laws in conflict herewith are hereby repealed.

Sec. 9. The fact that suit has been filed in a Federal court to test the constitutionality of some of the provisions of this Act, in order to insure proper sanitary conditions in barber shops, and to prevent the spreading of diseases in Texas, and that the safety, health, morals, comfort and general welfare of the people of Texas demand the regulation of barbering, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 3, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 22, A bill to be entitled "An Act amending Title 88 of the Revised Civil Statutes of Texas, 1925, by adding thereto an Article to be known as Article 5432-A defining libel as applied to statements made over and through a radio broadcasting station, providing a

penalty, defining radio broadcasting station, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal but not otherwise.

MILLER, Chairman.

By Williamson.

S B. No.22.

A BILL
To Be Entitled

An Act amending Title 88 of the Revised Civil Statutes of Texas, of 1925, by adding thereto an Article to be known as Article 5432-A defining libel as applied to statements made over and through a radio broadcasting station, providing a penalty, defining radio broadcasting station, and declaring an emergency.

Be it enacted by the Legislature of Texas:

Section 1. That there be added to Title 88 of the Revised Civil Statutes of Texas, of 1925, an Article to be known as 5432-A and to read as follows:

It shall be unlawful for any person to circulate and for the owner or person in charge of any broadcasting station to permit any person to circulate by words spoken over the radio of such broadcasting station, a verbal defamation or any statement or statements that are not a matter of public record conveying the idea of either:

1. That the person to whom it refers has been guilty of some penal offense; or

2. That he has been guilty of some act or omission which though not a penal offense is disgraceful to him as a member of society and the natural conclusion of which is to bring him in contempt among honorable persons; or

3. That he has some moral vice or physical or mental defect or disease which renders him unfit for intercourse with respectable society and such as should cause him to be generally avoided; or

4. That he is naturally of bad or infamous character; or

5. That any person in public office or candidate therefor is dishonest and therefore unworthy of such office, or that while in such office he has been guilty of some mal-

feasance rendering him unworthy of the place.

Any person violating any of the provisions of Section 1 hereof shall be deemed guilty of a misdemeanor and shall be fined not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars, and may be, in addition thereto, imprisoned in jail not exceeding one year.

It shall not be necessary for the State to show that the statement was false but the defendant may, in justification, show the truth of the statement.

By radio broadcasting station, as used in this Act, is meant an assigned location with apparatus for sending out, from which are sent messages to receiving points within its range, by radio telephony.

Sec. 2. The fact that the present laws are inadequate to protect citizens from libelous and slanderous statements by unscrupulous persons in speaking over the radio, and the further facts that persons in charge of broadcasting stations are not made responsible by existing laws for libelous and slanderous statements uttered and circulated through their radio broadcasting stations, creates an emergency and an imperative public necessity; that constitutional rule requiring that bills be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 23, A bill to be entitled "An Act authorizing the sale of certain lands owned by the State of Texas located near El Paso, and known as the abandoned site of the State School of Mines and Metallurgy; providing regulations in reference thereto; authorizing the use of the proceeds of said sale for a recreation hall and for an auditorium for said School of Mines and Metallurgy; repealing Chapter 153 of the General Laws of the Regular Session of the Thirty-ninth Legislature, and all provisions of law in conflict

herewith; and declaring an emergency."

Have had same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed in the Journal.

SMALL, Chairman.

By Berkeley.

S. B. No. 23.

A BILL

To Be Entitled

An Act authorizing the sale of certain lands owned by the State of Texas located near El Paso, and known as the abandoned site of the State School of Mines and Metallurgy; providing regulations in reference thereto; authorizing the use of the proceeds of said sale for a recreation hall and/or auditorium for said school of mines and metallurgy; repealing Chapter 153 of the General Laws of the Regular Session of the Thirty-ninth Legislature, and all provisions of law in conflict herewith; and declaring an emergency. Be it enacted by the Legislature of Texas.

Section 1. The Board of Regents of the University of Texas is hereby authorized to sell for the best price obtainable the twenty-two acres of land owned by the State of Texas located near El Paso, Texas, consisting of two tracts, one of four acres and the other of eighteen acres and known as the abandoned site of the School of Mines and Metallurgy.

Sec. 2. Upon payment of the purchase price for said land to the State Treasury, the Governor is hereby authorized to execute, in behalf of the State, proper conveyance of title, and if said land is sold to the United States Government for any purpose specified in Chapter 2 of Title 86 of the Revised Civil Statutes of Texas of 1925, the Governor is authorized, in the name and in behalf of the State of Texas, to execute proper conveyance of title and cede jurisdiction to said land subject to the provisions and limitations of Article 5247 of the Revised Civil Statutes of 1925.

Sec. 3. The proceeds of the sale of said land may be used by the Board of Regents of the University of Texas for the purpose of erecting and equipping recreation hall or auditorium, or combined recreation hall and auditorium, for the State

School of Mines and Metallurgy at El Paso, Texas. The same may be constructed upon contract, or otherwise, as may be deemed by said Board for the best interest of said School and the State. The amount of the purchase price of said land is hereby appropriated for the purpose mentioned in this section.

Sec. 4. Chapter 153 of the General Laws of the Regular Session of the Thirty-ninth Legislature, same being Senate Bill Number 470, and all provisions of law in conflict herewith, are hereby repealed.

Sec. 5. The fact that it is to the best interest of said School of Mines and Metallurgy and the State that this land be sold on the best terms available and used for the purpose authorized in this Act, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 24, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the re-purchase of public school land located in Jeff Davis County, Texas, forfeited and reappraised under Chapter 94, An Act approved March 19, 1925, and as amended by Chapter 25, An Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applicants thereon."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

SMALL, Chairman.

By Berkeley.

S. B. No. 24.

A BILL

To Be Entitled

An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the re-purchase of public school land located in Jeff Davis County, Texas, forfeited and reappraised under Chapter 94, an Act approved March 19, 1925, and as amended by Chapter 25, An Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon.

Be it enacted by the Legislature of the State of Texas:

Section 1. In cases where public school land located in Jeff Davis County, Texas, was forfeited and came under the terms of either Chapter 94, An Act approved March 19, 1925, or Chapter 25, An Act approved October 27, 1926, and was re-appraised by the Commissioner of the General Land Office, and for the re-purchase of which the forfeiting owner filed his application, together with the first payment therefor, after the expiration of the time fixed by those Acts for so doing, the said Commissioner shall accept such applications and award the land upon the return of the first payment to the said Land Office.

Sec. 2. The acceptance of such applications and issuance of awards thereon shall constitute a sale effective from the date on which such applications were filed in the Land Office; but said sales shall be subject to any rights, if any, heretofore acquired by one who may have heretofore filed a valid oil and gas application for a permit to develop said sustances.

Sec. 3. The importance of this Act creates an emergency and an imperative public necessity, authorizing the suspension of the constitutional rule that bills be read on three several days, and that this Act take effect and be in full force and effect

from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 25, A bill to be entitled "An Act enlarging the powers and duties of the Railroad Commission of Texas with reference to conservation, transportation, storage, and purchase of petroleum and its products in this State; designating as public utilities the owners, operators and managers of oil storage tanks and storage facilities for the public hire; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

MILLER, Vice-Chairman.

By Hyer, Small, Horns- S. B. No. 25

by, Hardin, Moore, Gainer, Parr, Williamson, Woodward, Thomason, Berkeley, McFarlane, Patton, Love, Neal, Beck, Miller, Parrish, Witt, Greer, Cunningham.

A BILL

To Be Entitled

An Act enlarging the powers and duties of the Railroad Commission of Texas with reference to conservation, transportation, storage and purchase of petroleum and its products in this State; designating as public utilities the owners, operators and managers of oil storage tanks and storage facilities for the public hire; forbidding discrimination by such public utilities; providing for a bond to be filed by such public utilities; giving to the Railroad Commission of Texas jurisdiction over rates, rules and regulations governing the storage of crude petroleum and its products by such public utilities, the character of facilities to be furnished, the forms of receipts to be issued, and the inspection, grading, measurement, deductions for waste, deterioration and delivery by such

utilities; giving such utilities a lien for charges; providing for the filing and posting of monthly statements by such public utilities, and by common carriers by pipeline; vesting in the Railroad Commission of Texas jurisdiction to authorize and require common carriers by pipeline and public utilities, as defined by this Act, to extend and enlarge their respective facilities under certain conditions; designating as common purchasers every person, association of persons or corporation, now or hereafter, engaged in the business of purchasing crude petroleum which is affiliated through stock-ownership, common control or otherwise, with a common carrier; forbidding discrimination in the purchase of crude petroleum, except as authorized by the Railroad Commission of Texas; providing for notice and hearing and appeal upon all matters affected by this Act; prescribing penalty and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Every person, association of persons, or corporation, owning, operating or managing any crude petroleum storage tanks or facilities for the public for hire, either in connection with a pipeline, pipelines, or otherwise, is hereby declared to be a public utility, subject to the provisions of this law.

Sec. 2. No such public utility in its operation as such shall discriminate between or against its patrons in regard to facilities furnished or service rendered, or rates charged under the same or similar circumstances, in the storage of crude petroleum.

Sec. 3. All such public utilities as herein defined shall within ten days after this Act takes effect, or in case of persons, associations or corporations, hereafter engaged in such business, before they actually engage therein, file a bond, properly executed, payable to the State of Texas, the amount of such bond and the sureties thereon to be subject to the approval of the Railroad Commission of the State of Texas. The amount of such bond may be changed from time to time by order of the Railroad Commission, after notice

and hearing as prescribed by Article 6038, Revised Civil Statutes, in accordance with the volume of business done, or to be done, by such public utility, and such bond shall be approved by the Railroad Commission before it is filed. Such bond shall be conditioned that the utility will observe the provisions of this law and the rules of the Railroad Commission insofar as its business is regulated and controlled by such Commission, and that the utility will exercise ordinary care in the storage, preservation, handling and delivery of all petroleum and petroleum products entrusted to it and shall guarantee the classifications, measurements and grades made by such public utility, under its authority in conformity herewith. The bond shall be for the benefit of the patrons of such utility and their assignees as though they were made obligees therein, and they shall severally have the rights of suit thereon.

Sec. 4. The Railroad Commission of Texas shall establish and enforce rules and regulations governing the character of facilities to be furnished by such utilities, the forms of receipts to be issued by them, the rates, charges and regulations for the storage of crude petroleum by such public utilities in respect to their storage facilities, and for the inspection, grading, measurement, deductions for waste or deterioration, and delivery, of such products, and it shall also exercise such power upon petition of any person showing a substantial interest in the subject matter thereof.

Sec. 5. Any such public utility shall have a lien on the commodity in its possession to secure it in the payment of all proper storage charges against such commodity, and or the transportation charges accrued to or paid or advanced, by it, superior to all other liens thereon.

Sec. 6. Every common carrier of crude petroleum within this State, as defined by law, and every public utility, as defined herein, shall on or before the tenth day of each calendar month file with the Railroad Commission of Texas, and post in a conspicuous place, accessible to the general public, in each of its division offices, and in its principal office in this State, a statement, duly verified, containing the following information

concerning its business during the preceding calendar month:

1. How much petroleum, crude or refined, was in the actual and immediate custody of such carrier or public utility at the beginning and close of such month, and where same was located or held, including the location and designation of each tank or place of deposit, and the name of its owner;

2. How much petroleum, crude or refined, was received by such carrier or public utility during such month;

3. How much petroleum, crude or refined, was delivered by such carrier or public utility during such month;

4. What quantity of such petroleum, crude or refined, is held by it for the account of itself or patent or affiliated organizations.

5. The available empty storage owned or controlled by it and where located.

Sec. 7. The Railroad Commission of Texas may, after hearing in a proceeding upon complaint by a party at interest, or upon its own initiative without complaint, and after notice and hearing as provided by Article 6038, Revised Civil Statutes of Texas, 1925, authorize or require by order any person, association of persons or corporation owning or operating pipelines in the State of Texas, which is a common carrier as defined by law, or owning, or operating or managing any crude petroleum storage tanks, or crude petroleum facilities for the public for, hire to extend or enlarge such pipelines, or storage facilities, provided such extension or enlargement shall be found to be reasonable and required in the public interest and that the expense involved will not impair the ability of such common carrier or public utility to perform its duty to the public.

Sec. 8. Every person, association of persons or corporations, now or hereafter engaged, in the business of purchasing crude oil or petroleum in this State, which is affiliated through stock-ownership, common control, contract or otherwise, with a common carrier by pipeline, as defined by law, or is itself such common carrier, shall be a common purchaser of such crude petroleum and shall purchase oil transported by such carrier or offered it for trans-

port without discrimination in favor of one producer or person as against another in the same field, and without unjust or unreasonable discrimination as between fields in this State; the question of justice or reasonableness to be determined by the Railroad Commission, taking into consideration the production and age of wells in respective fields and all other proper factors. It shall be unlawful for any such common purchaser to discriminate between or against crude oil or petroleum of a similar kind or quality or in favor of its own production, or production in which it may be directly or indirectly interested, either in whole or in part, but for the purpose of prorating the purchase of crude oil or petroleum to be marketed, such production shall be taken in like manner as that of any other person or producer and shall be taken in the ratable proportion that such production bears to the total production offered for market in such field. The Railroad Commission of Texas shall have authority, however, to relieve any such common purchaser, after due notice and hearing, as hereinafter provided, from the duty of purchasing petroleum of inferior quality or grade.

Sec. 9. The Railroad Commission of Texas shall have authority to make rules and regulations for the enforcement of the provisions of this Act.

Sec. 10. Any person, association of persons or corporation, or the Attorney General of Texas on behalf of the State, may institute proceedings before the Railroad Commission, or apply for a hearing before said Commission, upon any question relating to the enforcement of this Act, and jurisdiction is hereby conferred upon said Commission to hear and determine the same, after the notice provided by Article 6038, Revised Civil Statutes of Texas. The Commission shall not make any order establishing, prescribing or modifying rates, rules or regulations, as herein provided, except upon like notice and hearing as provided in said Article 6038.

Sec. 11. For the violation of any provision of this Act, or for the violation of any valid rule or regulation promulgated hereunder, or any order passed by the Railroad Commission in pursuance of any such provision, unless stayed by a

court of competent jurisdiction, of any rule or regulation, such person shall forfeit as a penalty to the State of Texas for such violation the penalty prescribed in Article 6047, Revised Civil Statutes of Texas, and each day's violation shall constitute a separate offense, said penalty to be recovered by the Attorney General.

Sec. 12. Any person or party at interest aggrieved by any order of the Railroad Commission of Texas under this Act, may have such order reviewed by proceedings in the manner prescribed by Article 6453, Revised Civil Statutes of Texas. The proceedings upon appeal shall be in like manner as prescribed by Article 6453.

Sec. 13. The invalidity of any section of this Act, or part thereof, shall not affect the remainder of said Act.

Sec. 14. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 15. The fact that the regulatory laws of this State do not now apply to storage facilities or charges, and that no law of this State regulates the business of purchasing crude petroleum, and that there is existing discrimination and a virtual monopoly in such business, constitutes an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act take effect immediately upon its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 29, A bill to be entitled "An Act amending Article 6711 of the Revised Civil Statutes of 1925 so as to better provide for neighborhood roads; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal but not otherwise.

WITT, Chairman.

By Senator Berkeley. S. B. No. 29.

A BILL

To Be Entitled

An Act amending Article 6711 of the Revised Civil Statutes of 1925 so as to better provide for neighborhood roads; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 6711 of the Revised Civil Statutes of 1925 is hereby amended so as to read as follows:

Article 6711. Neighborhood roads. —Any lines between different persons or owners of lands, any section line, or any practicable route through any and all inclosures, may be declared public highways upon the following conditions:

1. Ten freeholders, or one or more persons living within an enclosure, who desire a nearer, better or more practicable road to their church, county seat, mill, timber, or water, may make sworn application to the commissioners' court for an order establishing such road, designating the lines sought to be opened and the names and residences of the persons or owners to be affected by such proposed road, and stating the facts which show a necessity for such road.

2. Upon the filing of such application the clerk shall issue a notice reciting the substance thereof directed to the sheriff or any constable of the county, commanding him to summon such land owners, naming them, to appear at the next regular term of the commissioners court and show cause why said lines should not be declared highways. Said notice shall be served in the manner and for the length of time provided for the service of citations in civil actions in justice courts, and shall be returned in like manner as such citation.

3. At a regular term of the court, after due service of such notice, if the commissioners court deems said road of sufficient public importance, it may issue an order declaring the lines designated in the application to be public highways, and direct the same to be opened by the owners thereof and left open for a space of fifteen feet on each side of said line, but the marked trees and other objects used to designate said lines, and the corners of surveys, shall not

be removed nor defaced. Notice of such order shall be immediately served upon such owners, and return made thereon, as before provided.

4. The damages to such land owners shall be assessed by a jury of freeholders, as for other public roads, and all costs attending the proceedings in opening neighborhood roads, if the application is granted shall be paid by the county.

5. The commissioners court shall not be required to keep any such road worked by the road hands as in the case of other public roads.

Sec. 2. The fact that under the present laws no adequate provision is made for neighborhood roads creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 37, A bill to be entitled "An Act cancelling and annulling the lease which Travis County holds against the courthouse and jail property owned by the State of Texas;"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal, but not otherwise.

SMALL, Chairman.

By Hornsby.

S. B. No. 37.

A BILL

To Be Entitled

An Act cancelling and annulling the lease which Travis County holds against the courthouse and jail property owned by the State of Texas, the same being the north half of Block No. (123) one hundred twenty-three, in the city of Austin, Travis County, Texas; fixing and declaring the value of all improvements on said lot and providing for payment to Travis County for said improvements by delivering a State patent to Travis

County to one or the other of two certain blocks of property located in the city of Austin, Texas, or cash herein described; fixing the time within which Travis County must vacate said property, and declaring an emergency."

Whereas, It is the desire of the State of Texas to cancel and annul the lease of the property mentioned in the caption, which lease was evidenced by an Act of the Legislature of Texas of May 4, 1874, by paying to said County of Travis the full value of all improvements on said lot; now, therefore,

Be it enacted by the Legislature of the State of Texas:

Section 1. The lease held by the County of Travis under the Act of the Texas Legislature of May 4, 1874, on the north half of Block No. (123) one hundred and twenty-three, in the city of Austin, Travis County, Texas, is hereby cancelled and annulled, and said cancellation and annulment shall take effect and be in force from and after the passage of this Act.

Sec. 2. The Commissioner of the General Land Office of the State of Texas shall issue a patent from the State of Texas to Travis County, Texas, patenting the block of land designated Public Square on the map of the plan of Austin and bounded on the east by Guadalupe Street; on the north by Pine or Fifth Street; on the west by San Antonio Street; and on the south by Cedar or Fourth Street. Said patent to be delivered when lease of said north half of block 123 is cancelled and possession by Travis County of said block 123 is surrendered to the State of Texas. Provided Travis County may elect to take patent to block designated Public Square between Fourth Street and Fifth Street and between Trinity and Neches Streets in lieu of said patent to said block between Guadalupe and San Antonio Streets herein above described. Provided further that if the titles to said blocks of land should prove to be defective or questionable and therefore unacceptable to Travis County, then in that event the sum of \$50,000.00 is hereby appropriated out of the general revenue in the State Treasury to pay Travis County for the full value of all the improvements on said north

one-half of Block No. (123) one hundred twenty-three, in the city of Austin; said amount shall be paid by a warrant of the Comptroller, drawn on a sworn account and approved by the Governor. Immediately upon such payment being made, a certified copy of this Act, together with a receipt in full from Travis County showing the payment to the said county of said sum for said improvements, shall be recorded in the deed records of Travis County. Provided that Travis County shall have eighteen (18) months after the taking effect of this Act to vacate said lot and all improvements thereon, and at the expiration of the said eighteen (18) months, or prior thereto if said property is vacated, the State of Texas shall have the right to reinstate and take possession of all said land and all improvements thereon except the jail equipment.

The fact that there is urgent necessity, both from the standpoint of the State and Travis County that said lease be cancelled and said property placed in the hands of the State for such public use as may be desirable and expedient and in order that Travis County may be in a position to erect a courthouse, if it so desires, upon another site of its own selection, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 3, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 39, A bill to be entitled "An Act providing for procuring and filing in the General Land Office certain papers, maps, sketches and reports relating to the survey of lands by virtue of certificates issued by the State to the Texas & Pacific Railway Company and its predecessors in title, now in the custody of said railway company, the same to become archives of the General Land Office; providing for the authentica-

tion of said papers, maps, sketches and reports and making same admissible in evidence as other archives in said office; enacting other regulations and provisions in connection with said subject matter; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal and not otherwise.

SMALL, Chairman.

By Berkeley.

S. B. No. 39.

A BILL

To Be Entitled

"An Act providing for procuring and filing in the General Land Office certain papers, maps, sketches and reports relating to the survey of lands by virtue of certificates issued by the State to The Texas & Pacific Railway Company and its predecessors in title, now in the custody of said railway company, the same to become archives of the General Land Office; providing for the authentication of said papers, maps, sketches and reports and making same admissible in evidence as other archives in said office; enacting other regulations and provisions in connection with said subject matter; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Commissioner of the General Land Office is authorized and required to procure, accept and file in the General Land Office the original papers relating to the survey of lands by virtue of certificates issued by the State of Texas to the Texas & Pacific Railway Company and its predecessors in title, including the maps, sketches, reports and all papers drawn by the surveyors in making the original as well as the corrected surveys of such lands, which papers, maps, sketches and reports are now in the custody of said railway company. Said commissioner shall verify the authenticity of such papers, maps, sketches and reports. In the event said commissioner cannot procure the original papers, maps, sketches and reports above mentioned, he is authorized to procure, accept and file, verified

copies thereof, or if he can procure only a portion of the originals, he shall procure and accept such portion and take and file verified copies of those originals which he cannot procure. Thereafter said original papers or verified copies thereof so filed by the commissioner shall become archives in the General Land Office and the same or certified copies thereof shall be admissible in evidence as are other papers, documents and records and certified copies thereof of such office.

Sec. 2. The fact that the records and papers mentioned in this Act are very important in connection with public lands owned by the State of Texas and the same should be procured and preserved as archives of the Land Office, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be and the same is hereby suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 3, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

S. B. No. 10, A bill to be entitled "An Act to provide for the reorganizing, reforming and rehabilitating the Texas Prison System to improve the same into a modern penal institution; to provide for the establishment of industries in connection with the prison system; to provide for the direction of prison system farm activities; for the control and employment and care of State prisoners; to provide for improvements of the prison system; to provide authority to the Prison Board to contract with the State Board of Control for the sale of all prison system products useful for State institutions and departments; to provide authority to the Prison Board to contract with the State Highway Commission for the employment of State prisoners on State road constructions and improvement; and for the use of other State institutions, and political subdivisions of the State; to provide for the sale of the Shaw Farm in Bowie County, for the de-

tention of mineral rights therein and the conditions of such sale; to provide authority to the Prison Board for the purchase of live stock; to provide that guard employed shall be able to read and write English language; to provide for appropriation; to provide that this Act shall be held cumulative of all laws on the subject, and if any provision shall be held unconstitutional such determination shall not affect other provisions; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with recommendation that it do not pass, but that the following Committee Substitute, A bill to be entitled

"An Act providing for the reorganization of the penitentiary of the State of Texas; for the purchase of lands therefor; for construction of a central prison unit; providing for the disposition of the present penitentiary properties at Huntsville, Texas, and of certain of the farms now owned by the prison system; creating a special commission to select a proper site for the central prison unit, and defining the powers of said commission; providing for the manufacturing and supplying to the Board of Control of Merchandise and supplies for State use by the prison system; authorizing and directing the State Board of Control and the State Highway Commission to purchase from the State Prison Board certain materials, supplies and labor needed for State use; for the proper hospitalization and segregation of the inmates of the penitentiary; and providing for the construction of a female unit, and making an appropriation to carry out the provisions of this Act; and declaring an emergency.

Do pass in lieu thereof, and that both H. B. No. 10, and the Committee Substitute, be printed in the Journal.

McFARLANE, Chairman.

C. S. H. B. No. 10.

A BILL

To Be Entitled

An Act providing for the reorganization of the penitentiary of the State of Texas; for the purchase of lands therefor; for the construction of a central prison unit; providing for the disposition of

the present penitentiary properties at Huntsville, Texas and of certain of the farms now owned by the prison system; creating a special commission to select a proper site for the central prison unit, and defining the powers of said commission; providing for the manufacturing and supplying to the Board of Control of merchandise and supplies for State use by the prison system; authorizing and directing the State Board of Control and the State Highway Commission to purchase from the State Prison Board certain materials, supplies and labor needed for State use; for the proper hospitalization and segregation of the inmates of the penitentiary; and providing for the construction of a female unit, and making an appropriation to carry out the provisions of this Act; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. The purpose of this Act is to modernize the Texas Prison System and to provide for the various units of the System, and to improve the facilities for admitting, segregating, treating, rehabilitating, safeguarding, and employing its inmates in mechanical and agricultural pursuits, and to provide for the development of such industries as can be established, for the production of commodities or services used in the various branches of the State Government. The Texas Prison Board is hereby authorized and directed to construct a Central Unit of the Texas Prison System within approximately twenty-five (25) miles of any incorporated city having a population of not less than Eighteen Thousand (18,000) inhabitants, according to the last United States census on a site to be selected by a commission hereinafter known as the Texas Prison Commission, said Commission to be composed of the Governor of Texas, the Lieutenant-Governor, the Speaker of the House, the Commissioner of the General Land Office, and the Attorney General. When such site has been selected and purchased by the Prison Commission, it shall be turned over to the Texas Prison Board for the construction thereon of the Central Unit of the Texas Prison System.

Sec. 2. The Texas Prison Commission shall purchase for the Cen-

tral Prison Unit approximately One Thousand (1,000) acres of land. Said lands shall be so situated as to make available for the use of said Prison System, adequate transportation facilities, both by railroad and highway, also available to said System, adequate electrical and gas facilities, available gravel and sand deposits and rock quarries; and where there is an adequate water supply. Such location shall also be where there are available such agricultural and grazing lands to permit the growing of vegetables and the conducting of a dairy.

Said Commission shall enter into no contract for the purchase of land for the use as a site for the Central Prison Unit herein authorized to be constructed, without first having advertised in a daily newspaper, printed in Austin, Texas, daily for at least three weeks prior to the opening of offers for sites; the day and hour when said offers will be opened said Commission, however, shall not be required to accept any offer tendered. If no suitable site has been offered then the Commission shall, as in the first instance, advertise again for offers, and all offers made to said Commission shall be preserved and filed with the Board of Control and be available for the inspection of the public.

Section 3. The central unit shall contain the main offices of the penitentiary system, an identification bureau, a receiving and classifying department, industrial section, a section for the segregation of diseased inmates, a criminal insane asylum, and wards for the detention of criminals whose classification shows that they are not suitable for working in the industrial or agricultural section of the system; and shall construct a cell block system for the inmates not otherwise provided for. There shall be constructed a central hospital, modern in every particular and adequately equipped for proper diagnosis and treatment of disease. And there shall be provided a general supply department, including a medical supply depot in charge and under the direction of a registered pharmacist whose duty it shall be to procure through the Board of Control all medical, surgical, dental, and veterinary supplies for the entire prison system; and it shall be the duty of the registered pharmacist to see that all such supplies are

properly distributed to the several prison units in the system.

Sec. 4. Title to land purchased for the State Prison System, all contracts made by the Commission for the purchase of land, or in connection with any construction contracted for, by said Prison Board, shall be approved by the Attorney General. It shall all contracts made by the Prison Board with the Board of Control, or State Highway Department; and title to all land acquired shall be taken in the name of, and to the State of Texas.

Sec. 5. The Central Unit shall have such permanent walls and other permanent buildings as may be deemed necessary by the Prison Board for the carrying out of an industrial policy, for the manufacture and production of such materials and commodities as can be used by the Prison System, by the Eleemosynary and other state institutions of this State, and other departments of State government or any political subdivision thereof, and the Prison Board is hereby authorized and directed to establish within the walls of the Central Prison Unit, such machinery and equipment as may be needed to carry out the purposes of this Act. It being declared to be the State policy to manufacture for State use only.

Sec. 6. The Prison Board is directed to segregate the various classes of inmates so that first offenders and hopeful cases may be kept segregated from the degenerate and confirmed criminals.

Sec. 7. The buildings or ward erected within the walls of said prison plant for the criminal insane shall be used for the incarceration of all persons against who indictment have been returned, or who have been convicted of crime and sentenced to the penitentiary, but who have been adjudged insane; and all such persons shall not hereafter be sent to any of the State institutions for the treatment of the insane, but shall be sent to the penitentiary and incarcerated in the building or ward constructed as herein provided for the criminal insane, and shall be subject to the rules, regulations and treatment provided by the prison system for such criminal insane.

Sec. 8. The prison board is authorized to provide immediately for the construction of a central farm unit upon either the Imperial or Darring-

ton Farms. The prison board is directed to construct such permanent walls and buildings, including permanent cells, modern hospital plant, a modern refrigeration plant, and such canning and processing plants, as may be needed for the farming activities as deemed best by the Prison Board.

Sec. 9. The Prison Board is authorized to improve the quarters on the other farm units as may seem best for the proper care and detention of the inmates.

Sec. 10. The State Prison Board is directed to establish such live stock industries in connection with the various prison units, as are necessary for the production of all meat and dairy products that will be required to supply the entire prison system and the eleemosynary institutions of Texas.

Sec. 11. The Prison Board is also directed to construct on the Wynne Farm a new modern fire-proof prison plant, which shall have fire-proof buildings and all needed hospital and sanitary equipment; and shall be equipped with the necessary modern machinery for the manufacture of clothing and such other commodities as are used in the prison system and the State eleemosynary institutions, and for all the purposes set forth in this Act.

Sec. 12. The Prison Board is directed to provide for the levying and draining of any overflow of prison lands that are adaptable to cultivation, and to construct highways connecting all prison properties with the nearest State Highway. In the levying, draining, and road work, prison labor shall be utilized as far as possible.

Sec. 13. Authority is hereby given to the Texas Prison Board to enter into contracts with the State Board of Control for the sale of products of the Prison System, agricultural or manufactured, for the use of all the institutions and departments of the State Government.

Sec. 14. The Texas Prison Board is hereby empowered to contract with the Texas Highway Commission, when, and as may be found practicable for the employment of State prisoners in the in the various forms of State road construction or improvement in which employment the Prison Board shall provide all necessary guards and make provision for

necessary and sanitary camp equipment and appurtenances, adequate for the safekeeping of all prisoners so employed.

Sec. 15. The Prison Board is authorized and empowered to enter a contract or contracts for the leasing of such lands as may be necessary for the establishment of rock quarries, gravel pits, and such other materials as may be advantageously utilized in the construction where improvement of the prison establishment or other institutions or departments of the State or any political subdivision thereof, provided that no lease for fixed rental without regard to material removed, shall be for a longer period than five years, and such lease must contain provisions granting the Prison Board the privilege of removal, and that any lease, on which the construction is based upon quantity or material extracted, shall not bind the Prison Board to extract any quantity of material or materials.

Sec. 16. The Prison Board shall advertise for sale in four daily newspapers in the State, the Shaw Farm in Bowie County and the Goree Farm in Walker County, under such rules and regulations and at such time as the Prison Board shall determine, reserving to themselves the power to reject any and all bids not acceptable to them; said land shall be sold for not less than one-fifteenth (1/15) part of the purchase price in cash, with the remainder to be paid in not more than fifteen years, with deferred payments of not less than one-fifteenth of said deferred payments, payable annually, bearing interest at the rate of five per cent *per annum*. All conveyances to such land shall be executed and acknowledged by the Chairman of the Prison Board and the Governor of the State, and shall retain vendor's lien to secure the unpaid purchase price, and shall retain to the State of Texas all oil, gas, and mineral rights in the lands conveyed, and providing further that if at any time oil, gas or other minerals are produced upon any of the property sold, the State of Texas will pay to the purchaser of any of the aforesaid land one-sixteenth of the monies accrued from the sale of the rights and royalties thereto; the State of Texas, reserving the rights of in-

gress and egress, and exploring for and developing, producing, and marketing said minerals, and for the placing of pipe-lines and machinery and all other appliances and appurtenances, are hereby retained by the State of Texas or its assigns.

Sec. 17. It is further provided that the Prison Plant in the city of Huntsville and the prison properties in the corporate limits of the city of Huntsville, Walker County, Texas, if useful to the Sam Houston State Teacher's College, located at Huntsville, Texas, for the conversion into school property, and if desired by such college, shall not be sold by the Prison Board, but shall be conveyed in like manner as lands of the System are authorized to be conveyed, free of cost, to that institution for such use and purpose as it may decide to make of same.

Sec. 18. The funds derived from the sale of the Prison property and all interest accruing upon deferred payments shall be deposited in the State Treasury and be credited to the General Revenue Fund, Account of th State.

Sec. 19. The Prison Board shall cause to be kept accurate records showing an operating profit or loss account of each prison unit, whether said unit engaged in agricultural or manufacturing activities.

Sec. 20. In rehabilitating the Prison properties, and in all new work, the Prison Board shall, as far as practicable, use the services of such experts, engineers, architect, and other specialists who are now employed by the various Departments of the State. When the services of such experts, engineers, architects, and other specialists are not available, the Prison Board is employed to employ such other assistants as are necessary to carry out the provisions of this Act. The heads of the various departments in this State are hereby authorized to cooperate with the Texas Prison Board and furnish such experts, engineers, architects, and other specialists that the Texas Prison Board might request of them.

Sec. 21. In the construction of any of the units of the prison system the Prison Board shall use, as far as practicable prison labor. When it is found that in the construction of any of the prison units, it is imprac-

licable to use prison labor, then the Prison Board is directed to contract with reliable parties or concerns for the construction of said units.

The Prison Board shall make no contracts of any kind involved in the construction of said prison plant or for material or any equipment or labor therefor (except prison labor), without first advertising in four daily papers published in different cities of Texas, the day and hour when sealed bids will be opened; such advertisements to also give the specifications of the material, equipment and labor desired, and require such guarantee deposit as the Commission shall deem proper to accompany each bid; said Commission, however, shall be authorized to reject all unsatisfactory bids received, pursuant to the advertisement, and shall be authorized to readvertise in like manner as in the first instance; final letting of any contract to be to the lowest bidder.

Sec. 22. The sum of Five Hundred Thousand (\$500,000.00) Dollars is hereby appropriated out of the General Revenue for the remainder of the fiscal year ending August 31, 1930, and the sum of One Million (\$1,000,000.00) Dollars is hereby appropriated for the fiscal year ending August 31, 1931, each of which said appropriations shall be available to the Texas Prison Board for expenditures of which said moneys so appropriated; Five Hundred Thousand (\$500,000.00) Dollars is for the construction of the Central Unit and Five Hundred Thousand (\$500,000.00) Dollars for the Central Farm Unit and Five Hundred Thousand (\$500,000.00) Dollars for the construction and equipment of the new prison plant on the Wynne Farm near Huntsville. None of the moneys herein appropriated shall be used for the construction of the 'Central Unit' until and unless the other appropriations herein provided in this bill are made available and the improvements herein provided to be made on the Central Farm Unit and the new prison plant on the Wynne farm near Huntsville, are made concurrently with the purchase and construction of said central unit.

Sec. 23. This Act shall be held cumulative of all laws on this sub-

ject and shall not be construed as repealing any other law or provisions of law except where provisions are in conflict with such law or provisions of law; and if any provision of this Act shall be held unconstitutional, it is hereby declared the legislative intent shall not affect other provisions of the Act. The fact that our present prison system is wholly inadequate for the needs of this State and that reformatory measures are practically impossible, and the further fact that under said system the State of Texas is yearly losing large sums of money which the tax payers of the State are compelled to pay, and the further fact that it is imperative that the State prison system be reorganized, in order to protect the people of Texas from the menace of escaping criminals and to prevent the constant drain on the public treasury of this State, creates an emergency and an imperative necessity, and demands that the constitutional rule requiring measures to be read upon three several days be suspended and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

By Graves of Wil- H. B. No. 10.
liamson.

A BILL

To Be Entitled

An Act to provide for the reorganizing, reforming and rehabilitating the Texas Prison System and to improve the same into a modern penal institution; to provide for the establishment of industries in connection with the prison system; to provide for the direction of prison system farm activities; for the control and employment and care of State prisoners; to provide for improvements of the prison system; to provide authority to the Prison Board to contract with the State Board of Control for the sale of all prison system products useful for State institutions and departments; to provide authority to the Prison Board to contract with the State Highway Commission for the employment of State prisoners on State road constructions and improvement; to provide authority to the Prison Board to make contracts for lease of lands

for the establishment of rock quarries and for other materials useful in prison system construction and improvement; and for the use of other State institutions, and political subdivisions of the State; to provide for the sale of the Shaw Farm in Bowie County, for the detention of mineral rights therein and the conditions of such sale; to provide authority to the Prison Board for the purchase of live stock; to provide that guard employed shall be able to read and write the English language; to provide for an appropriation; to provide that this Act shall be held cumulative of all laws on the subject, and that if any provision shall be held unconstitutional such determination shall not affect other provisions; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The purpose of this Act is to reorganize, reform and rehabilitate the Texas Prison System and to improve the same into a modern penal institution, so as to provide better facilities for the guarding and employment of inmates and for their better care and treatment, and to provide for the development of such industries as can be established for the economical production of commodities or services used in the various branches of the State government.

Sec. 2. The Texas Prison Board is hereby authorized and directed to maintain the headquarters plant of the Texas Prison System at Huntsville, Texas, on the site of the present Huntsville penitentiary, and shall increase the walls and cells and build and rebuild, so as to use as much of the present buildings and walls as is possible, a suitable plant for the purposes of housing the main offices of the Penitentiary System, and identification bureau, the receiving and classification department, industrial section, a central hospital and wards incidental thereto, a section for segregation of diseased inmates, a criminal insane asylum and certain wards for detention of criminals not suitable for working in the industrial section or on the farms, and shall have the right to work such inmates either in

the industrial section or at any labor as they may deem advisable, and shall maintain in connection therewith the Wynne Farm for tubercular inmates and the Goree Farm for female inmates. An industrial building of fireproof construction with separate work rooms for white and negro women, and a hospital of fireproof construction with properly equipped treatment room and separate wards for white and negro women shall be built on Goree Farm. Provided that the part of Wynne Farm not used for female inmates and the part of the Goree Farm not used for female inmates shall be used for such beneficial purposes as the Texas Prison Board may elect and as herein provided. There shall be installed in all buildings where needed sanitary equipment of modern and efficient type in sufficient quantities to adequately serve all inmates.

Sec. 3. It is hereby declared to be the policy of this State to expand and adopt the industrial facilities of the prison system to the manufacture and production of such materials and commodities as can be used by the prison system, by the eleemosynary and other institutions of this State and all other departments of the State government or any political subdivision thereof, and the Prison Board is hereby authorized and directed to establish within the walls of the central prison such machinery and equipment as may be proper for the carrying out of this purpose, and provided further, that nothing in this Act shall be construed to prevent the Prison Board from providing for female inmates on the Goree Farm and such industrial employment as it may deem advisable.

Sec. 4. The Prison Board is authorized to provide for the construction of a farming unit headquarters upon a site to be selected by the board on land now owned, or hereafter to be acquired in Fort Bend or Brazoria Counties, Texas, and upon which unit the board shall provide for the development of all such proceeding plants incidental to the farming activities as may be deemed advisable by the Prison Board; and provided that nothing herein shall be construed to prevent the board;

from establishing other similar plants upon any of the present State owned prison farms.

Sec. 5. In rehabilitating present prison facilities and in all new work, the Prison Board shall so far as practicable utilize prison labor, and for work or material not practicable to be produced by prison labor, the board is hereby empowered to make such contracts for services and materials as it may deem necessary to carry out the purpose of this Act, within the limits of the appropriations herein.

Sec. 6. Further declaring the policy of the penitentiary system in its farming activities, it is also recommended that all farms adapted to the planting and raising of food stuffs for use in the penitentiary system and State institutions shall be cultivated in such food crops and that the growing of such crops as corn, cotton, broom corn, cane and other staple crops shall be secondary. It is recommended that the Prison Board shall purchase such cattle and hogs as may be needed for raising beef and hogs products to supply, as far as possible, the prison system and eleemosynary institutions of the State. It is further recommended that a dairy be established in connection with such farm or so many of them, jointly, as may prove profitable to provide dairy products for the inmates of the prison system and for other State institutions as far as practicable.

Sec. 7. The State Prison Board is authorized to provide for the draining of any over-flow prison lands now owned by the State and adaptable to cultivation, and for clearing and putting into cultivation all adaptable lands now owned by the State and not now cultivated. In the draining and clearing of land, prison labor shall be utilized as far as is possible.

Sec. 8. Authority is hereby given to the Texas Prison Board to enter into contracts with the State Board of Control for the sale of all products of the prison system, agricultural or manufactured, for the use of the institutions and departments of the State government.

Sec. 9. The Texas Prison Board shall be empowered to contract with the Texas Highway Commission,

when and as may be found practicable for the employment of State prisoners in the various forms of State road construction or improvement, in which employment the Prison Board shall provide all necessary guards and make provision for necessary and sanitary camps adequate for the safe keeping of all prisoners so employed.

Sec. 9a. In entering into contracts for road construction or improvement, or other contracts for the employment of prison labor, said Prison Board shall, so far as practicable, retain such control over said labor as shall permit its withdrawal to the prison farms in times of emergency or stress in the operation of said farms; it being the intention of this Act to keep on said farms, as far as the same shall be practicable only such labor as shall be necessary to the orderly and efficient operation of said farms, and that when not so needed on said farms, said labor shall be otherwise gainfully employed.

Sec. 10. The Prison Board is hereby authorized and empowered to enter into a contract or contracts for the lease of such lands as may be necessary for the establishment of rock quarries, gravel pits, said pits and other materials that may be advantageously utilized in the construction or improvements of the prison establishment or other institutions or departments of the State or any political subdivisions thereof, provided that no lease for fixed rental without regard to material removed shall be for a longer term than five years, that such lease may contain provisions granting the Prison Board the privilege of removal, and that any lease in which the consideration is based upon quantity of material extracted shall not bind the prison system to extract any certain quantity of material.

Sec. 11. The Prison Board shall cause to be kept accurate records to show the profit or loss of each prison farm, manufacturing endeavor or other activity engaged in by the prison system and commodities and supplies furnished to, or work done for, any department shall not be credited and charged to any department at a figure exceeding ten per cent more than the cost of like items on the open market.

Sec. 12. The Prison Board shall advertise for sale, receive bids for,

and contract for the sale of the Shaw Farm in Bowie County, Texas, under such rules and regulations and at such times as the Prison Board shall determine, reserving to themselves the power to reject any and all bids not acceptable to them. It is mandatory that not less than one-eighth overriding royalty in and of all oil and gas and other mineral rights in and under said land shall be and is hereby reserved to the State. The money arising from the sale of such farm shall be placed in the State Treasury to the credit of the General Fund.

Sec. 13. No guard shall be employed by the Prison Board who can not read and write the English language.

Sec. 14. The sum of Two Hundred and Fifty Thousand (\$250,000.00) Dollars is hereby appropriated out of the General Revenue for the remainder of the fiscal year ending August 31, 1930; and the sum of Three Hundred Thousand (\$300,000.00) Dollars is hereby appropriated for the fiscal year ending August 31, 1931, each of which said appropriations shall be available to the Texas Prison Board for expenditure, one-half upon improvement of the headquarters plant at Huntsville in Walker County, Texas, and one-half for necessary improvements on the various farm units of the prison system, provided, however, that the moneys herein appropriated shall so far as reasonable business methods will permit, be expended in such manner that the rehabilitation of the Huntsville plant and improvement on the farms shall be concurrent. Such improvements as are made to the living quarters of the prisoners on the farms are to be of sanitary fire-proof construction.

Sec. 15. This Act shall be held cumulative of all laws on this subject and shall not be construed as repealing any other law or provisions of law, except where provisions are in conflict with such law or provisions of law; and if any provisions of this Act shall be held unconstitutional, it is hereby declared the legislative intent that such determination shall not affect other provisions of the Act.

Sec. 16. The fact that the Penitentiary System of the State of Texas is in an unsatisfactory condition creates an emergency and a

public necessity that the constitutional rule requiring bills to be read on three separate days be suspended and the same is hereby suspended and that Act shall be in force and effect from and after its passage and it is so enacted.

SEVENTH DAY.

Senate Chamber,
Austin, Texas,
March 4, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	

Absent—Excused.

Cousins.	Woodul.
Pollard.	Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hyer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Martin, et al.:

S. B. No. 41, A bill to be entitled "An Act legalizing, approving and validating improvement bonds of levee improvement districts created under authority of Section 59, Article 16, Constitution, and levy of